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article

(De)politicisation and the Father's Clause parliamentary debates

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Studies making use of (de)politicisation have flourished as governments have embraced technocratic and delegated forms of governance. Yet this increase in use is not always matched by conceptual or analytical refinement. Nor has scholarship generally travelled into empirical terrain beyond economic and monetary policy, nor assessed whether politicising and depoliticising processes could occur simultaneously. It is within this intellectual context that we make a novel contribution by focusing on the (de)politicising discourses, processes and outcomes within policy surrounding assisted reproductive technologies. We reveal a pattern of partial repoliticisation that raises questions about the relationship between governance, technology, society and state.

key words depoliticisation • governance • HFE Act • Father's Clause

(De)politicisation and the Father's Clause parliamentary debates

The concepts of politicisation and depoliticisation are used within this article to provide a lens through which to analyse the social and political consequences of the development of assisted reproductive technologies (ARTs) and, specifically, the introduction of the Father's Clause (henceforth the Clause) and its subsequent removal in the 1990 and 2008 Human Fertilisation and Embryology (HFE) Acts passed in the UK Parliament. The Clause referred to the 'child's need for a father' when considering whether to provide women with *in vitro* fertilisation (IVF) and acted as a lightning rod for broader ideological clashes over the family, sexuality, children's welfare and parenthood.

Despite the legislation being a formal governmental politicisation (in that ARTs are taken as a specific field of state intervention), we argue that the Clause's insertion and related debates were depoliticising in that they maintained discursive sedimentation and the restriction of agency and deliberation. Yet, the Clause's removal is not a simple case of correction because depoliticising remainders exist within what can be seen as a formal repoliticising move. Its removal is partially politicising because it formally opens access, destabilises certain norms and recognises a plurality of family forms.

Yet, the potential for legislation in this area to repoliticise particular social relations is tempered by depoliticising processes which reduce the capacity for deliberation, contestation and, thus, place limitations upon human agency and collective choice. This is highlighted by the presence of pervasive gender essentialisms within the debates, and depoliticising assumptions concerning pro-natalism, kinship, access and control within the legislation which perpetuate the constitution of stable subject positions and place limits on reproductive choice.

In making this argument, the article makes three main contributions to the (de) politicisation and governance literatures. First, it offers a completely fresh empirical terrain through which to explore (de)politicisation and demonstrate how the concepts can be employed usefully beyond economic and monetary policy. Second, the article offers a deeper and historically situated analysis of (de)politicising tendencies and the interplay of sociopolitical developments, sensitivities and practices on discourses, processes and outcomes in different political realms. A focus on public policy construction within the governmental arena can help us to reveal broader (de) politicising processes that emerge from social relations, technological developments and expectations related to human reproduction and that impact upon formal political outcomes. Further, a lens of (de)politicisation allows us to analyse the reciprocal impacts of these parliamentary proceedings on such narratives, institutions and technologies and, thus, the possibilities for reproductive choice and agency. Third and most significantly, through an analysis of the Clause and the legislative and regulatory outcomes, the article reveals how politicisation and depoliticisation should not be viewed solely and simply as opposing forces, as much of the literature does, but rather as operating, at least sometimes, as parallel and simultaneous socioeconomic trends within and between governmental, public and private realms. We suggest that highlighting these tensions and paradoxes within and between the content and context of politics is important. Using such distinctions demonstrates further the value and utility of (de)politicisation to sensitising governance researchers to the flows and eddies of state-societal relations and the intricacies of contemporary patterns of policy making, governance and democracy.

Close readings of parliamentary debates concerning the Clause and the 1990 and 2008 HFE Acts provide the substance of this article. Transcripts of debates were obtained from Hansard and coded using qualitative analysis software, NVivo. Analysis occurred in two stages. First, coding was undertaken to distinguish the basic themes of debate surrounding the Clause's insertion and removal. Although parliamentarians drew upon public deliberation of IVF, the parliamentary debates had their own dynamic with contributions being articulated around four main themes: the family; rights and interests; purposes/consequences of legislation; and the role of the state. Second, more in-depth analysis was conducted in order to identify the different kinds and patterns of argument occurring within each theme (for example, distinguishing the role of the state in preventing discrimination from its role in protecting children) which then allowed us to offer an analysis of the (de)politicising discourses, processes and (legislative) outcomes operating within the parliamentary debates and juridical regulation of IVF.

The article contains five sections. First, we situate our approach within the (de) politicisation spectrum. Second, we provide an overview of the politics of ARTs and the place of the Clause within this politics. We then analyse the parliamentary debates on both the Clause's insertion and removal in the third and fourth sections

respectively. In the conclusion, we summarise our argument and reflect upon the potential contribution to governance research of this processual yet differentiated approach to (de)politicisation.

The spectrum of (de)politicisation

As Wood and Flinders (2014: 151–70) demonstrate, types of (de)politicisation can be categorised into one of three broad and overlapping ‘faces’ – discursive, societal and governmental – which broadly map on to Hay’s three realms of politicisation (with depoliticisation operating in a reverse order):

- Politicisation 1: Promotion from the realm of necessity to the private sphere
- Politicisation 2: Promotion from the private to the public sphere
- Politicisation 3: Promotion from the public to the governmental sphere (Hay, 2007, 79–80)

Discursive depoliticisation focuses on ideas and language. It ‘offers a de-centred approach that cuts across conventional boundaries...and instead recognises the manner in which any [fatalistic] speech-act... is itself a powerful tool of depoliticisation’ (Wood and Flinders, 2014: 161). Societal depoliticisation can be conceived as ‘the process by which the social deliberation surrounding a political issue gradually erodes to the extent that... the existence of choices concerning that issue are no longer debated’ (Harder (1996) cited in Wood and Flinders, 2014: 159). Depoliticisation research in British politics and public policy (for example, Burnham, 2001; Buller and Flinders, 2005; Flinders and Buller, 2006; Kettell, 2008) has tended to focus mainly on the governmental face or *Depoliticisation 3* in terms of economic and monetary policy. In this work, depoliticisation is examined as a governing strategy or statecraft which involves the appearance of a transfer or reduction of control and responsibility (although significant control is still maintained and often enhanced in the process) and/or as a concept which refers to the central role such processes have played in forms of technocratic governance and/or economic management guiding neoliberal capitalist reproduction. This research is very important in recognising, explaining and critiquing governing strategies under neoliberalism. However, there is a limitation in conceptualising depoliticisation exclusively as a function of government and the state and solely in terms of ‘placing at one remove’ and ‘managing market expectations’ (Burnham, 2001). The feminist claim that the ‘personal is political’ suggests that scholars concerned with (de)politicisation can and, perhaps, should widen their gaze both to political spaces beyond the formal governmental arena and to empirical terrains beyond economic and monetary policy. This would mean loosening the concept of (de)politicisation from the state and recognising that there are other processes of (de)politicisation beyond modes of statecraft.

We wish to argue that an expansive and differentiated conceptualisation of (de)politicisation is helpful in examining fully the interplay between policy, politics and the polity, in drawing attention to both the *content* and *context* of (de)politicisation and, consequently, in exposing relations of power and political agency within the domestic, personal and private spheres. Here, the political is conceptualised as the realm of contingency, such that the existence of politics relies on the possibility or hope of deliberation, contestation, change and, consequently, on human capacities

for agency (Gamble, 2000; Hay, 2007; Jenkins, 2011). This expansive definition serves to delineate the political from the realm of fate and necessity and, concurrently, raises questions both about how political capacities can be increased or reduced and about the changing boundaries within the political. Consequently, in the most general terms, 'to politicise' is to expose and contest what is taken for granted, or perceived to be necessary, permanent, invariable, essential and morally or politically obligatory within particular social relations; 'to depoliticise' is to externalise, to form necessities, permanence, immobility and closure, and conceal, negate or remove contingency and contestation within particular social relations (Jenkins, 2011, 159–60). Both are political acts: politicisation helps to denaturalise, to reveal and contribute towards contingency, openness and autonomy; depoliticisation generates discursive sedimentation; the restriction, removal or suppression of our capacities for autonomy, as well as the preservation of particular (fatalistic) strategies or forces. At a content level, the process of depoliticisation is akin to the sedimentation or decontestation of ideology (Howarth et al, 2000). Here, political discourses that shape our worlds and our understandings of them reach a degree of stability or 'sedimentation' such that the contestable conditions of their constitution are no longer socially recognised (Norval, 2000, 328). This process of naturalising sedimentation is an aspect of political conduct which can take different forms, such as subject or identity formation, myth-making, production of 'moral panics' or, simply, decision making that invokes ideological concepts.

This approach sensitises us to the content of (de)politicisation – the type of choice and contestation that is being invited or foreclosed, and from and for whom. However, it is also important to examine the means through which things can become (de)politicised (Flinders and Buller, 2006) both *within* and *between* different political contexts. This is achieved through conserving the idea of different (real and imagined) spaces within the non-political and political terrain and differentiating between the private (that is, the domestic and personal), public and governmental spheres (Hay, 2007, 78–87). Although these distinctions are permeable and can, of course, be ambiguous, controversial and contested, the sphere in which a (de)politicising process occurs is frequently significant in terms of the scope, significance and even the content of that process (as demonstrated below).

Retaining a focus on context within an expansive definition of the political allows for the provision of political cartographies, the examination of changing topographies and transgressed boundaries, the investigation of the movement of issues, people, processes and so on between different (permeable and non-static) arenas (Coole, 2000), an examination of both the ways in which different spheres have been normatively interpreted, and the political nature of spaces which, traditionally, have been viewed as either less or non-political. Moreover, it allows for the identification of both politicising and depoliticising processes within the same moment and same political space in that depoliticising *content* can be found within *contextual* politicising shifts and vice versa. So, as shown below in detail, the UK Parliament intervened in the area of reproductive technologies in the 1990 HFE Act which entails governmental politicisation (Hay's *Politicisation 1*). This was both responsive to and generative of societal deliberation and a degree of contestation (Hay's *Politicisation 2*), but the Act contained *depoliticisation* in the form of discursive sedimentation (Hay's *Depoliticisation 1*) as it attempted to moralise, normalise and limit provision to particular (nuclear)

families. In this way, the approach advocated here seeks to examine all three 'faces' of (de)politicisation identified by Wood and Flinders (2014) and their interplay.

The politics of human reproduction and arts

Feminists and others have long recognised that human reproduction is political and imbued with power relations. Louise Brown's birth in 1978 marked an important moment in this politics. Her existence as the first 'test tube baby' confirmed the viability of IVF as a means of conception and brought hope to those with fertility problems. Concurrently, IVF's development heralded a turning point in the ability of humans to control and direct human reproduction through scientific and technical intervention and, thus, in the politics of human reproduction. Hay argues that 'in increasing the capacity for human agency or interference... in matters previously the preserve of nature, the development of modern science has proved politicising' (2007, 81). This is not to suggest naively that IVF has spectacularly shifted human reproduction per se from the realm of fate to that of politics. The biological process of reproduction has never been untouched by social intervention (for example, surrogacy has existed for almost as long as recorded human history (Anleu, 1992)). Yet, the development of IVF is exceptional in its successful creation of an embryo outside the female body without the privacy of the sex act; it allows for divisions between the roles of biological and social parenthood that were 'impossible before the appearance of these techniques' (Caplan, 1990, 101). Louise Brown's birth represents both the creation of new life and unprecedented political and conceptive possibilities. As Purdy argues, IVF 'means that the infertile do not have to accept their fate: there is always another procedure to try' (1998, 167). Thus, the development of ARTs crosses a significant threshold: there is a shift from the non-political realm of necessity towards the political realm of contingency and agency, as well as a significant alteration in the institution of the family through the production of new social and kin relations. Thus, in relation to *Politicisation 1* with its emphasis on extending agency and choice, the development of ARTs came to politicise human reproduction in two key ways which are non-governmental at base: it accomplished a radical material change in the management of reproduction through technical intervention; and it had the potential not only to impact upon the institutional form of the family but also destabilise decontested assumptions concerning the 'naturalness' of the heteronuclear family by exposing, as well as introducing, the contingency operating within this institution. So, for example, new possibilities for identification (that is, biological mother; second parent, male role model, and so on) have been opened up.

Further, in relation to *Politicisation 2*, Louise Brown's birth engendered impassioned public debate and deliberation about the choices, hopes, fears, expectations, dangers and prohibitions created by IVF. Religious organisations, feminists, patient and support groups, healthcare professionals, scientists, ethicists and philosophers, as well as the populace, immediately began to deliberate on the moral, ethical, social and practical implications. The public debate was often polarised and perhaps inevitably centred on the apparent benefits and dangers of IVF, employing the general rhetoric of what Mulkay (1993; 1996) entitles 'hope and fear' (see also Kettell, 2010) and opening up reflection on the embryo's status, related technology, the meaning of parenthood, reproductive control, the health and welfare of prospective mothers and unborn children, and scarcity and access of provision.

These non-governmental politicisations were followed by further, more formal politicising processes associated with the development of public policy, regulation and legislation. Franklin argues, ‘the birth of Louise Brown brought into being more than a child; it created a ‘legislative vacuum’ that needed to be filled’ (1993, 97) and, therefore, the theming of the issue as appropriate for state action. Yet, in part due to IVF’s controversy and the lack of relevant extant law, there was a time lag between the beginnings of this formal politicisation and the legislative outcome and subsequent juridical regulation – the culmination of *Politicisation 3*. The beginning of this politicising shift from the public to the governmental realm occurred with the commission of the Committee of Enquiry into Human Fertilisation and Embryology, chaired by Mary Warnock, in July 1982. The committee delivered its report in 1984 with it forming the basis of the 1990 Act and the establishment of an arm’s-length regulator, the Human Fertilisation and Embryology Authority (HFEA) in 1991 (for other relevant Parliamentary activity during this period see Franklin 1993, 98).

In Parliament and to the surprise of Warnock and others, it was the issue of embryo research which came to dominate parliamentary debates on the HFE Act (Franklin, 1993). However, another prominent element of the debate surrounded the welfare of the child and, in particular, the need for a father. The draft bill stated:

13(5): A woman shall not be provided with treatment services unless account has been taken of the welfare of any child who may be born as a result of the treatment, and of any other child who may be affected by the birth...

25(2): The guidance given by the code shall include guidance for those providing treatment services about the account to be taken of the welfare of children who may be born as a result of treatment services.

However, after two amendments were introduced successfully (on a vote of 226 to 174) by the Conservative MP, David Wilshire, the words ‘including the need of that child for a father’ were inserted in brackets after ‘treatment’ in 13(5) and the words ‘including a child’s need for a father’ were parenthetically inserted after ‘services’ in 25(2). These amendments made explicit what was contained within the Warnock report (that is, that an IVF child would and should have both mother and father).

In 2004, parliamentarians and others felt the need to review the law and regulation surrounding human reproductive technologies to ensure that the law remained ‘effective and fit for purpose’ (Department of Health, 2005). Under the headings of ‘Welfare of the child’ and ‘Status and legal parenthood’ and through reference to notions of comprehensiveness, discrimination, the changing nature of family structures and openness to access, the review made explicit the need to consider the necessity of the Father’s Clause in subsequent public consultation (see Annex B, Department of Health, 2005, and Recommendation 21, House of Commons Science and Technology Select Committee, 2005). In the 2007 Draft Bill, the two references to the child’s need for a father were removed. A number of amendments were tabled proposing the re-introduction of explicit reference to the need for a father (and mother) but these were rejected in favour of another amendment that replaced ‘the need for a father’ with ‘the need for supportive parenting’ and the Bill went on to receive its Royal Assent in November 2008.

The Clause’s removal and its replacement with the phrase ‘the need for supportive parenting’ means that IVF has now been fully and formally opened up to single

women and same-sex couples. Perhaps predictably, this change drew strong reactions and was both hailed as progressive and condemned as harmful and absurd. Evan Harris, then a Liberal Democrat MP, said the Clause 'was unjustifiable, discriminatory and vindictive... so good riddance', while Josephine Quintavalle, of Comment on Reproductive Ethics, criticised the removal as a 'dreadful statement to make about the role of men. Fatherhood is much more than the donation of sperm' (BBC, 2006). In either interpretation, the Clause's removal was seen as transformative. This contrasts with the academic literature (for example, Fox, 2009; Gamble, 2009; McCandless and Sheldon, 2010), which views the 2008 Act as a 'missed opportunity' and the Clause's removal as a relatively minor amendment that makes little difference in terms of clinical guidance and in keeping with the original legislation.

Yet, as McCandless and Sheldon (2010) themselves suggest, parliamentary debates on the Clause's introduction and removal acted as lightning rods for underlying ideological clashes on the family, rights and equality that derive from (changing) social perspectives. It is partly in this sense that the Clause makes such an excellent case to demonstrate the utility of approaching public policy through the lens of (de) politicisation, in that it allows us to depart from both public and prevailing academic interpretations. We see its removal as neither 'transformative', nor 'minor'. Rather, as demonstrated below, the Clause's introduction, despite being contained within a formal politicising shift, is best viewed as a depoliticising, moralising response to IVF's development and its removal should be viewed as partial repoliticisation with depoliticising remainders.

Parliamentary debates on the introduction of the Father's Clause, 1984–90

In the debates surrounding the Clause's introduction, discussions of the family, rights and interests, and the purposes and consequences of legislation were framed, overall, by conservative social and moral narratives on the traditional family form, in part due to the Conservative parliamentary majority. For example, the Lord Chancellor believed that the legislation should not detract from the stability of the family, as 'the health of the family is largely at the heart of the continuing health of our society' (HL 6–3–1990 col.1105). Within this overarching emphasis on the traditional family, the Clause's introduction is thus best conceptualised 'in terms of a refusal of single motherhood and a desire to link women to men' (McCandless and Sheldon, 2010, 205). This attempted entrenchment of the traditional nuclear family is a high-profile and formal depoliticising reaction to the politicisation of the family form that IVF engendered. At a time when single parenthood and the decline of marriage often provoked moral panic, the creation of a child *in vitro* extended further the possibility of parenthood, not only to infertile married couples but also to single, cohabiting and homosexual people. This was something 'deplorable' to many, especially those of a conservative and/or religious disposition, and was something that needed to be prevented, or at least limited. The restriction of IVF access to particular groups (and, thus, the restriction of human agency) was achieved in a legal sense through the introduction of the Clause, which itself was a dilution of Lady Saltoun's narrowly unsuccessful amendment to criminalise the treatment of unmarried women (Gamble, 2009). The attempt to limit IVF was also achieved in a linguistic sense, through the articulation and perpetuation of depoliticising narratives in the debates. Such

arguments were often premised on a Christian morality, which utilised the language of what was ‘God-given’, ‘natural’, ‘normal’, ‘common-sense’ and in line with ‘the witness of history’. This moralising depoliticisation attempted to define issues as either inside or outside day-to-day political debate, both imposing a ‘rational’ normative foundation and, thereby, reducing and attempting to conceal possible choices.

These linguistic devices acted as extra deliberative defences that had to be breached before the substance of the argument surrounding IVF and its impact on the family and society could be addressed. The message is fatalistic: humans should not interfere with the natural family form, even if scientifically possible. Therefore, restrictions should be imposed to maintain the *status quo* and protect both the child’s welfare and, more broadly, the health of society. Thus, Lord Denning argued that artificial insemination should be allowed ‘only in those circumstances to a married couple with a stable union with every likelihood of the child being brought up properly’ (HL 15-1-1988 col.1478). To open up access to ARTs to people not part of a traditional family would, in Ann Winterton’s words, be to ‘upset the natural order of things’, ‘threaten the bonds of the conventional family unit’, and not be in ‘the best interests of the child’ (HC 23-11-1984 col.577). Allowing access to other types of ‘abnormal’ families was ‘deplorable’. This oft-made line of argument is encapsulated by David Wilshire’s contribution:

When speaking of the family in this context, we are seeking to speak up for the traditional values and standards of society that have stood us in good stead for a long time... That value and standard is deeply embedded in our culture.... It is a tried and tested way of giving a child the best possible start in... life. We tinker with that social unit at our peril. (HC 20-6-1990 col.1023)

The emotive and ‘common sense’ linkage of the traditional family to the child’s welfare is particularly depoliticising in that alternatives appear automatically as non-viable and immoral. Moral and political boundaries are preserved and the scope of political choice is limited by attempts to cover over or reject the contingent nature of family forms and, indeed, attempts to remove the family from political debate. The discursive power of these limitations can perhaps be seen in that, when objections to this line of argument were raised, it was only in terms of opening access to unmarried heterosexual couples and, occasionally, single women but not to homosexuals, even though the Warnock Report mentioned the potential of IVF to allow same-sex couples and single men to become parents.

The linkages made between the traditional family and the child’s welfare meant that discussions centred on the child’s interests, rather than the interests and rights of other groups and individuals. This emphasis on the child was ultimately premised on a form of gender essentialism – the purported different, complementary and fundamental familial roles played by men and women and the production of particular stable subjects. For example, Renée Short referred to the necessity of ‘a stable relationship with a father and a mother’ because ‘the establishment of the gender role is important [for the child]’ (HC 23-11-1984 col.557). These gender roles tended to go along traditional lines with parliamentarians often – sometimes solely – drawing attention to the father’s financial contribution in providing a stable home. Thus, the Clause’s introduction can be viewed as a means of protecting three related, preponderating

and depoliticising perspectives disrupted by IVF's development: the association of men and women with distinct modes of parenting such as providing and caring respectively; that these gendered differences were seen to be a direct reflection of biological differences; and that heterosexual parents and heterosexuality in general were the desired standard because of the purported complementary roles of the two distinct genders. The protection and perpetuation of these views within the legislation operates as an attempt to restrict agency, both in terms of access to IVF for certain families, and in terms of constraining the possibility of approaching parenthood in a way that differs from traditional normalising traits.

Reflecting the emphasis on the child's interests, discussions of rights did not emerge until debates in 1990 (with the exception of the child's right to know their heritage and father). A key discussion here was whether childbearing is a right. In explaining why he believed ARTs should be restricted to married couples, David Blunkett contended:

People have an absolute right to be themselves, to reject contact with men or to shun any physical contact with them. That is their choice. But that is not the same as accepting that there is some automatic or inalienable right to child bearing. Child bearing is not a right. It is part of the unfathomable life force. (HC 20-6-1990 col.1023)

In speaking of the 'unfathomable life force', Blunkett can be seen as ignoring or even rejecting the degree to which IVF presents new choices and shifts childbearing from the realm of fate towards the realm of human agency and 'fathomability'. Once again, this reinforces the fatalistic tone of much debate and the moral anxiety surrounding the development of ARTs. In contrast, the extension of reproductive possibilities caused by IVF's development was more often recognised by those who argued against the Clause and in terms that were often a forerunner of debates about its removal in the 2000s; for example, Jo Richardson's argument that the Clause would be rendered unworkable due to the 'overwhelming wish' of many women, whether single, divorced or separated, to have a baby (HC 20-6-1990 col.1028).

Parliamentary debates on the removal of the Father's Clause, 2007-08

In contrast to the parliamentary debates that led to the Clause's introduction in which conservative arguments on the benefits of the traditional family were to the fore, discussions of the Clause after the millennium were framed largely by a liberal emphasis on rights and non-discrimination. In this sense, a shift in prominence can be identified between a paternalistic view of the state as protector of citizens to a liberal view of the state as guarantor of citizens' freedom and equality which was perhaps reflective of the New Labour majority. This shift represents a politicisation of reproduction, and IVF in particular, in the sense of increasing openness and autonomy such that things, specifically family forms, become 'the subject of deliberation, decision making and human agency where previously they were not' (Hay, 2007, 81).

The Clause's removal formally opens up equal capacity to become parents to more groups and involves recognition of the (value of) plurality of family forms. Yet, the Clause's removal should not be viewed in any other way than a *partial* and limited

repoliticisation, in that neither the amended 2008 HFE Act, nor the accompanying parliamentary debates, offer the possibility of challenging other social patterns and restrictive, sedimented understandings of reproduction. It would be mistaken to present the Clause's removal as a simple case of correcting the depoliticising tendencies of previous legislation.

Furthermore, unlike debates in the 1980s and 1990s in which liberal arguments were marginal (despite the relative closeness of the vote), (modified) conservative arguments maintained a prominent, although not dominant, position. Nonetheless, these conservative lines of argument tended to be characterised by a certain defensiveness that was not present in earlier debates (for example, Patrick Cormack (HC 20-5-2008 col.206-207); the Earl of Listowel (HL 10-12-2007 col.58)). This is perhaps indicative of an attempt to operate within the different political composition of Parliament, an alternative ideological, legal and linguistic frame and a society in which attitudes concerning sexuality had altered.

Strong and relatively uncontested linkages in debates in the 1980s and 1990 between the traditional family and the child's welfare had hindered the possibility of considering the rights and interests of other groups. This altered in debates concerning the Clause removal, both because of intervening changes in social attitudes concerning the merits of alternative family forms, and because of the ability of reformers to articulate their belief that the child's welfare could be assured through alternative family forms. This was achieved primarily through a focus on scientific and anecdotal evidence that either had not yet been undertaken, or was previously treated dismissively (for example, see Dari Taylor, HC 20-5-2008 col.194). One major source was Golombok's and others' research (1999; 2001) which claimed that there were signs that children brought up by lesbian couples were better parented. This highlighting of the evidential basis of arguments can be contrasted with the value claims underpinning earlier discussions. The insistence on considering the available evidence enabled reformers to shape the contours of debate around the quality of parenting, rather than the sex of prospective parents, and couch the interests of both child and parent in terms of rights to which their opponents had to respond. Consequently, one of the focuses of debate was the fairness of the Clause, rather than, as the Clause's supporters wanted, fatherhood's value (see Evan Harris, HC 20-5-2008 col.203).

Reformers' arguments were informed by a belief that the Clause violated the rights of certain potential parents and discriminated against particular groups. For example, Baroness Barker suggested that all that was being asked for was 'equality of consideration' (HL 10-12-2007 col. 50) and Emily Thornberry stated that the Clause was 'discriminatory and unfair' towards single women and lesbian couples (HC 12-5-2008 col. 1123). The success of this shift of emphasis allowed an instance of *Politicisation 3*: equality of access to IVF was politicised, both in terms of it being an issue subject to parliamentary deliberation, and in terms of the legislative outcome as part of a broader programme of formally prohibiting discrimination.

As well as breaking with the previous near-consensus that access to IVF should be restricted, the later debates brought into question judgments on particular family forms as normal, natural and normatively desirable. This destabilisation and denaturalisation represent a more formal recognition within the governmental arena of the (value of the) plurality of family forms. This recognition can be viewed as politicising to the extent that alternatives are taken to be viable and a clear commonsensical link is no longer seen to flow necessarily from someone's sexuality and the status of

their relationship to their ability to parent. Homosexual partners and single women tended to be no longer dismissed automatically as suitable parents or as a threat to the institution of the family (and society). Thus, the debates were less essentialised, at least in terms of traits purportedly related to one's sexuality. So when parliamentarians did refer to the vital role of the nuclear family both in society and in raising a child in terms of what was 'designed by nature' (Geraldine Smith, HC 12-5-2008 col.1097; see also Iris Robinson, HC 12-5-2008 col.1125), they were immediately challenged in a way which was not seen in previous debates. Reformers accused the Clause's advocates of offensiveness, exclusivity and of using common sense and particular 'evidence' as a cover for prejudice (Sandra Osborne and Emily Thornberry, HC 20-5-2008 col.176-178; Chris Bryant, HC 20-5-2008 co.205).

The language of pro-Clause parliamentarians did alter to incorporate references to rights, evidence, and positive value judgments on single and same-sex parents, but rather than claiming that full access would threaten the traditional family and openly recommending marriage, the Clause's advocates contended that its removal would: lead to a violation of children's rights (Baroness O'Cathain, HL 10-12-2007 col.26); lead to an increase in social problems deemed to be connected to unstable, fatherless families (Geraldine Smith, HC 12-5-2008 col.1097); and threaten fatherhood and men (Lord Alton, HL 10-12-2007 col.45). The implication was that these negative outcomes, couched emotively in terms of depriving the child and, indeed, the language of gender equality and anti-discrimination (for example, Lord Patten, HL 21-1-2008 col.83-84), would be partially avoided if IVF provision were limited to married couples or stable heterosexual partnerships. This change in terminology and discursive markers can then perhaps be seen as rebranding and altering the emphasis of depoliticising arguments concerning restricted access which had not fundamentally changed. However, the continuing presence of depoliticising arguments concerning 'natural' family forms within the parliamentary debates is not, in itself, depoliticising. Indeed, the silencing of these kinds of arguments would be a depoliticising move itself, as one aspect of politicisation concerns maintaining deliberation, the possibility of disagreement and contestation (Honig, 1993).

While issues of access and alternative family forms were repoliticised within both debates and the resulting legislation, the Clause's removal is a *partial* politicisation for at least two reasons: first, different forms of gender essentialism remained prominent and unchallenged within debates (although not carried formally into the wording of the legislation itself); second, there was an absence of challenges to various sedimented assumptions concerning pro-natalism, access, choice, kinship and control in relation to human reproduction.

Turning to the former first, a residual depoliticising presence of gender essentialism pervaded arguments on both sides, despite the questioning of the idea that homosexuality was incompatible with good parenting. This questioning and the consequent disruption of the ideal family did lead to references to 'the male role model', rather than solely 'the father' (for example, Andrew Lansley, HC 12-5-2008 col.1078-9) but, overall, the idea that men and women play distinct, necessary, but complementary roles in family life was rarely contested. Although Baroness Finlay came close to questioning whether parental duties and children's needs were necessarily guaranteed by 'biological definitions' (HL 10-12-2007 col.57), gendered distinctions were generally represented as 'facts of life' – again, concealing and forgetting the contingency of gendered norms – and the view that experiencing

the interactions of both men and women would necessarily enhance the child's life was portrayed as commonsensical (for example, Baroness Deech, HL 10-12-2007 col.23-4; Baroness Williams, HL 21-1-2008 col.73; Geraldine Smith, HC 20-5-2008 col.177). As feminists have contended, the view that men and women have distinct characteristics is depoliticising because it is inaccurate, harmful, constraining and, ultimately restricts agency. It is a harmful view because those who do not conform to accepted characteristics are seen as abnormal and, if left unchallenged, often legitimises unequal treatment through the valuation of particular gendered characteristics above others (Steans, 2006, 7-10). It constrains by homogenising and entrenching gendered behaviour. For example, Baroness Deech perpetuated gendered expectations concerning mothers as 'nurturers' when she spoke of the fact that the need for a mother was already 'implicit in the need to consider the welfare of the child' (HL 10-12-2007 col. 22). Yet, while parliamentary contributions may be imbued with gender essentialism, the resulting legislation does not make gender-explicit claims about parenthood. Therefore, the legislative outcome, at least, does not continue to entrench depoliticising assumptions about mother- and fatherhood and could open up space for a plurality of gender characteristics.

The second reason why the Clause's removal should not be interpreted as entirely politicising is the absence of open deliberation upon, and interrogation of, various sedimented assumptions concerning parenthood, such as pro-natalism, kinship, choice and control. Perhaps the most noticeable absence was any challenge to pro-natalist ideas. Pro-natalism – the view that desiring children is natural for women and that motherhood is female destiny – has been extensively challenged within feminist literatures that suggest that the desire for genetically related children is socially conditioned (Rich, 1977; Oakley, 1980; Stanworth, 1987; Rowland, 1992; Raymond, 1993). Furthermore, this literature highlights the way in which social pressure and stigma is exerted on the childless, and in which the availability of IVF perpetuates and reinforces pro-natalism, as infertility becomes viewed as pathological (Ulrich and Weatherall, 2000). The parliamentary debates on the Clause's removal are underpinned overwhelmingly by positive valuations of IVF and the opportunity it provides for biological parenthood. This has several ramifications. First, the debates ignored possible negative consequences of IVF provision. IVF was assumed to provide a safe and entirely positive solution to the otherwise disrupted 'normal' progression of life (Mulkay, 1993, 725). Indeed, parliamentarians did not consider the technology's relatively low success rates, its high financial costs (beyond cycles provided on the NHS), and the potentially serious health risks (to child and mother), widely acknowledged in feminist literatures and campaigns (Klein, 1989; Shildrick, 1997; Throsby and Gill, 2004; www.handsoffourovaries.com). Such literature suggests that privately pursuing IVF is never a neutral decision and stresses the difficulty of achieving both informed choices about parenthood and positive outcomes.

Second, the formal extension of IVF to more people (that is, single women and same-sex couples), and the negotiations over kinship that this entailed, reinforces the symbolic importance of the genetic identity of the child that is characteristic of Euro-American cultures (Franklin, 1993). In this way, the greater availability of IVF may discourage and undermine both other ways of becoming a parent (for example, adoption), and the role of the wider community in childrearing and children's welfare (although see Baronesses Howarth (HL 10-12-2007 col. 55), and Butler-Sloss (HL

10-12-2007 col. 67)). There was very little recognition of the cultural importance of bloodlines and genetic relations and how IVF reinforces this culture.

The final absence from the debates on the Clause's removal concerns those groups in society who still have limited or no access to IVF (for example, the poor). If one returns to the Warnock Report, what is conspicuous by its absence in parliamentary debates, especially given its controversial nature, is any reference to the possibility of single men becoming parents through IVF (in combination with surrogacy arrangements). The Warnock Report states:

In the same way that a single woman may believe she has a right to motherhood, so a single man may feel he has a right to fatherhood... [W]e were told of a group of single, mainly homosexual men who were campaigning for the right to bring up a child. The primary aim at present is to obtain in practice equal rights in the adoption field, but they are also well aware of the potential of surrogacy for providing a single man with a child which is genetically his... It can be argued that as a matter of sex equality if single women are not totally barred from parenthood, then neither should single men be so barred. (1984, Para.2.10)

This absence is important in the context of the way in which IVF involves a shift from the realm of fate to the realm of contingency. The amended 2008 HFE Act still throws up the anomaly that single men are now the only group legally excluded from producing genetically related children. This fact was not referred to either in the consultation or the debates. The point here is not necessarily to advocate an extension of the law but to highlight how an instance of *Politicisation 1* – the development of IVF – creates novel controversies, issues and possibilities that may be neglected and may remain depoliticised (or become re-depoliticised) at different times and in different political spaces (this repoliticisation may now be occurring with the case of the man who is making a legal bid to become the first single father using surrogacy arrangements (*Daily Mail*, 2012), which echoes the campaign mentioned in the Warnock Report).

Conclusion

The purposes of this article were threefold: first, to demonstrate the ability of (de) politicisation research to enter new empirical terrain beyond economic and monetary policy; second, to offer an analysis of the (de)politicising tendencies within both the development of ARTs and, especially, subsequent parliamentary activity; and, in so doing, third, to illustrate to governance researchers the benefits of an approach to (de)politicisation, underpinned by a processual but differentiated conceptualisation of politics, that sensitises us to both the complex content and context of politics, their interplay and the resultant outcomes, tensions and paradoxes.

The development of IVF did not politicise reproduction in the sense that it became subject to social intervention for the first time, nor did it entirely remove fatalism from reproduction. However, it did politicise in the sense that it introduced (private) reproductive choices and contingencies that were not present previously and that led to a governmental response in the form of parliamentary debates and the 1990 HFE Act. In this sense, the Father's Clause, as part of the HFE Act, was a formal

politicisation to regulate and manage ARTs. Yet the Clause itself is also a depoliticising move to entrench the nuclear family and the position of marriage in society. Thus, a governmental politicisation had depoliticising (discursive and material) effects in terms of both placing ideological barriers around acceptable political debate, and constraining the choices and agency of particular groups of people by excluding them from IVF access.

The Clause's removal was hailed as transformative – whether positively or negatively – by campaigners and parliamentarians alike. It would be easy to present this legislative amendment as an entirely progressive victory in terms of opening up access to technologies for frequently disadvantaged and stigmatised groups and cementing a commitment to equality and plurality. Yet the Clause's removal and attendant parliamentary debates take on a slightly different character when viewed through the lens of (de)politicisation. This lens highlights (changing) societal assumptions about human reproduction, gender, sexuality and the family as articulated within a formal governmental arena, and helps reveal remaining absences and silences. Thus, we have argued that the Clause's removal is politicising in that it formally opens up access to single women and homosexual couples and, in so doing, does not discriminate against, or prescribe, particular family forms. Furthermore, the debates involved negotiations over kinship (for example, in discussions about 'male role models' rather than 'fathers', and the legal status of the second parent within same-sex couples) which somewhat disrupted the linkage of social to natural parenthood.

However, essentialist arguments remained prominent in the 2007–08 debates in terms of particular gendered traits being seen as facts of life (for example, the delivery of care and nurturing were tied exclusively to women). Furthermore, there were remaining silences concerning the cultural importance of pro-natalism, possible negative effects of the technologies, the perpetuation of geneticised kinship relations, as well as some enduring issues with access and choice among particular groups which meant that the same processes and legislative outcomes, while politicising for some actors, were depoliticising for others.

Therefore, a (de)politicisation lens reveals more fully the scope and terrain of this aspect of the politics of human reproduction and demonstrates why the Clause's removal is best viewed as only a partial repoliticisation. Moreover, understanding the development of technology – in this case ARTs – as a type of politicisation entails grasping how governments have to formally respond both to fundamental material changes – in this instance with regard to how humans are capable of managing both reproduction and family forms – and to subsequent public deliberation. In this sense, parliamentarians and governments draw upon and extend, rather than direct, strategies and processes of (de)politicisation operating within society.

As this summary of our argument shows, the approach taken to (de)politicisation within this article is somewhat different to most of the approaches within the extant governance, British politics and public policy literatures. Depoliticisation tends to be viewed within these literatures solely as a governing strategy or statecraft in which the appearance of removing responsibility (often in the direction of arm's-length bodies) results in low levels of deliberation and agency but also high levels of governmental control. This emphasis on placing at one remove and the subsequent impact upon the content of politics is valuable for understanding contemporary patterns of governance. Yet, it is also important to remember, as demonstrated in this article, both that processes of (de)politicisation can also occur *concurrently* and *within* particular political and social

spaces, and that state-societal relations are intimately entangled in all arenas in the governing of particular elements of our lives.

Politicisation and depoliticisation should not be viewed solely and simply as opposing forces but also as parallel and simultaneous sociopolitical trends. Consequently, both the content and context of (de)politicisation matters; processes of (de/re)politicisation should be viewed in terms of the opening and foreclosing of deliberation, engagement and agency, as well as in terms of shifting boundaries. This then allows governance researchers to capture, analyse and, potentially, criticise the complex interplay of democratic processes and state interventions with societal, cultural, economic and technological developments. This additional focus upon parliamentary debates and legislative outcomes as themselves potentially (de)politicising makes possible the exploration of tensions between (de)politicisation as a (formal) context-shifting of responsibilities between realms and (de)politicisation as an (informal) content-shift in how an issue is viewed (that is, as 'natural', subject to human agency, in need of government intervention, and so on). By opening up patterns of governance, parliamentary debates and public policy to critical scrutiny through this particular lens of (de)politicisation, it is possible, first, to reveal the restrictive and potentially disempowering depoliticising remainders within formal politicising moves and vice versa and, second, to demonstrate the critical potential of academic work on (de)politicisation by highlighting processes which hold us captive and, thus, potentially extending the possibilities for contestation and collective action.

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